

*****ADOPTED DECEMBER 7, 2015*****

DELANCO TOWNSHIP

ORDINANCE 2015-15

**AMENDING CHAPTER 234 GOVERNING
“RENTAL PROPERTY”**

WHEREAS, the Township of Delanco regulates rental properties and requires inspection under its existing Chapter 234; and

WHEREAS, based upon recent developments in the regulation of single and duplex units, the Township desires to amend its regulations in accord with same.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey, that the Township Code is hereby amended at Chapter 234, governing “Rental Property” as follows:

Section 1.

Chapter 234. Rental Property.

Chapter 234-4 is hereby amended as follows:

- H. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan which shall become part of the application and which shall be attached to the registration form when filed by the Township Clerk or designee. As to each rental unit a list of the tenant(s) named on the lease, all adults residing under the lease, and the total number of individuals occupying the unit under the lease. Names of children of tenants occupying the premises need not be provided. Names of tenants are required in order to monitor changes in tenancy under this Chapter.

Chapter 234-16 is hereby amended as follows:

- D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of Chapter 234-19 of this article.

Existing Chapter 234-18, governing “Violations and penalties” is hereby renumbered as Chapter 234-19 and amended as follows:

A violation of this Chapter shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty.

Chapter 234 is further amended by adding the following:

§ 234-18. Single and Duplex Units.

- A. Single and duplex rental units shall be exempt from the annual inspection requirements set forth under Section 234-7 above. In lieu of annual inspections, the following provisions shall govern single and duplex units.
1. Single and duplex units shall still submit an annual registration form for their units in compliance with in accord with Sections 234-1 through 6 above. There will be no fee for this registration filing or amendments thereto where no change in tenancy has occurred.
 2. Single and duplex units shall continue to be inspected upon change in tenancy, including sub-leasing, in accord with Section 234-7 through 10 above. Owner is responsible for reporting change in tenancy and scheduling an inspection prior to the new tenant occupying the unit. An inspection fee of \$100.00 shall also be paid prior to the inspection.
 3. Single and duplex units shall not be charged a fee for annual registration of units under Section 234-11 where there is no change in tenancy and therefore no inspection. If the annual registration indicates a change in tenancy, an inspection fee of \$100 shall apply.
 4. Single and duplex units shall comply Sections 234-12 through 16 above.
- B. Interpretation. If any of the provisions of this subsection conflict with any prior subsections, the language of this subsection shall control. This amendment is intended to comply with Timber Glen Phase III, LLC v. Township of Hamilton, Docket No. A-1775-13TI (N.J. App. Div. 2015) and this amendment shall be interpreted in accord with same.

Section 2. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 3. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.